



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/638,743 08/14/00 RATTE

G 5458/5012CP2

EXAMINER

PM82/1011

CARL L JOHNSON
JACOBSON AND JOHNSON
SUITE 285
ONE WEST WATER STREET
ST. PAUL MN 55107-2080

ROWAN, K.

ART UNIT

PAPER NUMBER

3643
DATE MAILED:

10/11/01

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | | |
|---|--------------------------------------|--|---|
| Office Action Summary | Application No. 09/638,743 | Applicant(s) RATTE | |
| | Examiner KURT ROWAN | Art Unit 3643 |  |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | | |
| Period for Reply | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | | |
| - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. | | | |
| - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. | | | |
| - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. | | | |
| - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). | | | |
| - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | |
| Status | | | |
| 1) <input type="checkbox"/> Responsive to communication(s) filed on _____. | | | |
| 2a) <input type="checkbox"/> This action is FINAL. | | 2b) <input checked="" type="checkbox"/> This action is non-final. | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. | | | |
| Disposition of Claims | | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-11</u> is/are pending in the application. | | | |
| 4a) Of the above, claim(s) _____ is/are withdrawn from consideration. | | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1-11</u> is/are rejected. | | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | | |
| 8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement. | | | |
| Application Papers | | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | | |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner. | | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved. | | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | | |
| Priority under 35 U.S.C. § 119 | | | |
| 13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). | | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | | |
| *See the attached detailed Office action for a list of the certified copies not received. | | | |
| 14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). | | | |
| Attachment(s) | | | |
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ | |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | | 20) <input type="checkbox"/> Other: _____ | |

Art Unit: 3643

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Said first line gripping surface" appears to be in error and is confusing since it appears that something should follow. Please clarify.
3. Claim 11 recites the limitation "said firth line gripping surface" in line 11. There is insufficient antecedent basis for this limitation in the claim. Changing "firth" to --first-- would overcome this rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Wymore.

Art Unit: 3643

Wymore shows a clamp sinker in Figs. 4-6 which shows a bendable cone shaped body with first second, third, and fourth line gripping surfaces 46, 47 to hold the line in a centered condition.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wymore.

The patent to Wymore shows a clamp sinker composed of bendable material with first and second curved gripping surfaces 28, 30 in Fig. 1. Wymore shows the cone shaped body in Fig. 4 and fig. 6. In reference to claim 1, it would have been obvious to provide the cone shaped embodiment of Fig. 4 with curved gripping surfaces as shown in Fig. 1 for the purpose of fixing the line in relation to the sinker. In reference to claim 2, Wymore shows a first and second line centering surface such as the back of line groove 44 opposite hinge 42. In reference to claims 4, 7, Wymore shows the body as a single integral member with asymmetrical line gripping surfaces 28, 30. In reference to claim 5, Wymore does not disclose bismuth, but it would have been obvious to employ bismuth since the choice of material is based on its suitability for the intended use. See *In re Leshin*, 125 USPQ 416. The examiner takes Official Notice that bismuth is old and well known as a sinker material. In reference to claim 6, it is not clear if Wymore contemplates

Art Unit: 3643

finger bendable clamps, but it would have been obvious to employ a finger bendable clamp for the purpose of not needing a pliers to operate the clamp. In reference to claim 8, Wymore shows the jaws extending the entire length of the line clamp in Fig. 1. Note the diverging exterior surfaces 34, 36. In reference to claim 9, Wymore shows a one piece clamp and two asymmetrical jaws 28, 30 extending to the geometric center of the line clamp with the jaws being movable between an open and closed condition by pivoting as shown in Fig. 2. In reference to claim 10, Wymore shows first and second relief 24 on the top and bottom of the sinker as shown in Figs. 1, 2 to permit a user to use a fingernail or thumbnail to pry apart the sinker in the closed condition.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Lazich, Ratte, Ratte, and Ratte, Jr. show other sinkers with line gripping means.

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

Art Unit: 3643

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Kurt Rowan

KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

October 1, 2001